

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JOHN DOE #1, <i>et al.</i>	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Case Nos. 8:21-cv-00356-PJM
	:	(Consolidated Lead Case)
	:	and
	:	8:21-cv-00360-PJM
MONTGOMERY COUNTY	:	
BOARD OF EDUCATION, <i>et al.</i>	:	
	:	
Defendants	:	

**MOTION TO SEAL DEFENDANTS BOARD OF EDUCATION AND CROUSE'S
OPPOSITION TO PLAINTIFFS' SUPPLEMENT TO THEIR MOTION TO COMPEL
THE PRODUCTION OF UNREDACTED DOCUMENTS
(ECF No. 262)**

Defendants Montgomery County Board of Education and Casey Crouse, by and through their undersigned attorneys, hereby move this Court for an order to seal Defendants Board of Education and Crouse's Opposition to Plaintiff's Supplement to Their Motion to Compel the Production of Unredacted Documents (ECF No. 262). In support thereof, Defendants state the following:

1. This consolidated civil lawsuit arises from an alleged series of sexual assaults perpetrated by students on the JV football team against their fellow teammates in the locker room. Plaintiffs' claim that Defendants are liable for violations of Title IX, 42 U.S.C. § 1983, and under the theories of negligence and gross negligence.
2. The lawsuits were originally filed in the Circuit Court of Maryland, Montgomery County on or about February 6, 2020 and alleged only claims of negligence. On June 22, 2020 (amended July 30, 2020), the Circuit Court ordered that discovery in this matter be governed by a Confidentiality Order (ECF 1-47, amended ECF 1-80). The Parties have engaged in extensive

discovery and designated substantial and voluminous material as “Confidential” in conformance with this Order.

3. On March 3, 2022, Plaintiffs filed a consolidated Second Amended Complaint (ECF Nos. 108-111, 118). The Second Amended Complaint was accepted for filing under seal (ECF No. 113). Like the First Amended Complaints, the Second Amended Complaint contains citations to discovery that was designated as “Confidential” throughout the discovery process and pursuant to the Confidentiality Order. In addition, the Second Amended Complaint cites to details regarding the minor Plaintiffs’ alleged sexual abuse, alleged sexual abuse of non-Parties, and confidential education, personnel, and medical records.

4. On February 7, 2023, Plaintiffs filed a Supplemental Motion to Compel (ECF No. 245). This Motion was filed under seal (ECF Nos. 246, 255 (granted)).

5. Because this Opposition cites to the sealed Supplemental Motion to Compel (ECF No. 245), contains confidential information obtained during the course of discovery, and includes potentially attorney-client privileged communications, the Opposition should also be filed under seal with the Court and confidentiality maintained by all parties and their counsel in this case.

6. There is no prejudice suffered by any Party by granting this Motion and no mechanism short of sealing will protect the Parties’ interests.

WHEREFORE, Board of Education for Montgomery County and Casey Crouse respectfully request that this Court grant this Motion to Seal Certain Documents and Pleadings, and that their Motion for Leave be ordered to be filed under seal with the Court, and to grant such further relief as this Court deems proper.

Respectfully submitted,

JOHN P. MARKOV
COUNTY ATTORNEY

/s/

Patricia Lisehora Kane, Chief
Litigation Division
Federal Bar No. 13621
patricia.kane@montgomerycountymd.gov

/s/

Jacquelyn P. Allen
Federal Bar No. 20594
jacquelyn.allen@montgomerycountymd.gov

/s/

Margaret E. Turlington
Associate County Attorney
Federal Bar No. 21650
meg.turlington@montgomerycountymd.gov

*Counsel for Defendants Board of
Education & Crouse*
101 Monroe Street, Third Floor
Rockville, Maryland 20850
(240) 777-6700

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JOHN DOE #1, *et al.* :
: :
Plaintiffs, : :
: :
v. : Case Nos. 8:21-cv-00356-PJM
: (Consolidated Lead Case)
: and
: 8:21-cv-00360-PJM
MONTGOMERY COUNTY :
BOARD OF EDUCATION, *et al.* :
: :
Defendants : :
:

[PROPOSED] ORDER

Upon consideration of Defendants' Motion to Seal Opposition to Motion to Compel (ECF No. 262), and any Opposition filed by Plaintiffs, it this _____ day of _____ 2022 by the United States District Court for the District of Maryland hereby ORDERED that the Motion to Seal is granted; and it is further ORDERED that ECF No. 262 be sealed.

Gina L. Simms
United States Magistrate Judge